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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ALAM, HOSAIN T

ART UNIT PAPER NUMBER

2172

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,438

Applicant(s)

NAKOS ET AL.

Examiner

Hosain T Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,5. 6) ☐ Other: .

DETAILED ACTION

Claims 1-9 are pending in this Office Action.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Information Disclosure Statement

The information disclosure statement filed in Paper No. 2, 3, and 5 have been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,240,416 issued to Immon et al ("Immon").

With respect to claim 1, Immon teaches a method for managing a database system including one or more database servers, the method comprising the steps of: executing, at a console, an integrated management module configured to manage at least two of the following layers in the database system: a database application layer, a database server layer, an operating system layer, and a hardware layer; and interacting with a user interface provided by said integrated management module to change operational parameters of said at least two layers systems (see Fig. 7, the database systems or applications such as DB2, Oracle, Sybase, SQL server as disclosed in Figure 7 employ different types of hardware and/or software or warrants different system requirements by being provided by different vendors; col. 9, lines 19-21). See also col. 5, line 4245, col. 6, lines 7-15, and col. 6, line 32 col. 7, line 23. See also technical metadata in col. 6, lines 57-60.

With respect to claim 2, Immon teaches a method as claimed wherein the database server layer includes one or more database servers; the operating system layer includes one or more operating systems that reside on machines that are executing said database servers; the integrated management module is configured to manage the one or more database servers and one or more operating systems (see Fig. 7, the database systems or applications such as DB2, Oracle, Sybase, SQL server

as disclosed in Figure 7 employ different types of hardware and/or software or warrants different system requirements by being provided by different vendors); and the step of interacting with the user interface (Fig. 7, 702) provided by said integrated management module changes operational parameters of said one or more database servers and said one or more operating systems (Fig. 7, 702; col. 9, lines 19-21).

With respect to claim 3, Immon teaches a method as claimed wherein the system includes one or more database clients; said database clients are executing one or more database applications (see Fig. 7, the database systems or applications such as DB2, Oracle, Sybase, SQL server as disclosed in Figure 7 employ different types of hardware and/or software or warrants different system requirements by being provided by different vendors) that comprise said database application layer; and said integrated management module is further configured to manage said one or more database applications.

With respect to claim 4, Immon teaches a method as claimed wherein at least one hardware subsystem (see Fig. 7, the database systems or applications such as DB2, Oracle, Sybase, SQL server as disclosed in Figure 7 employ different types of hardware) is used to execute said one or more database servers; and said integrated management module (Fig. 7, 702, 704) is further configured to manage said at least one hardware subsystem.

With respect to claim 6, Immon teaches a method as claimed wherein one or more database servers reside on a local network (Fig. 3) and said console does not belong to said local network (Fig. 7, 702). Fig. 7 is another depiction of Fig. 3.

With respect to claim 7, Immon teaches a method as claimed wherein the console (Fig. 7, 702) is connected to a wide area network and said local network is connected to said wide area network (col. 4, lines 60-61), wherein said console manages said one or more database servers (col. 7, lines 20-22) through messages communicated through said wide area network.

With respect to claim 8, Immon teaches a method as claimed wherein the console (Fig. 7, 702) manages said one or more database servers by messages sent over a dial up connection (a dial connection is an inherent feature of a network shown in Fig. 3; see MPEP 2144 below) established between said console and said local network.

[MPEP 2144.01- Implicit Disclosure: "[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968) (A process for catalytically producing carbon disulfide by reacting sulfur vapor and methane in the presence of charcoal at a temperature of "about 750-830C" was found to be met by a reference which expressly taught the same process at 700C because the reference recognized the possibility of using temperatures greater than 750C. The reference disclosed that catalytic processes for converting methane with sulfur vapors into carbon disulfide at temperatures greater than 750C (albeit without charcoal) was known, and that 700C was "much lower than had previously proved feasible."); In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976) (Reference disclosure of a compound where the R-S-R ϕ portion has "at least one methylene group attached to the sulfur atom" implies that the other R group attached to the sulfur atom can be other than methylene and therefore suggests asymmetric dialkyl moieties.).]

With respect to claim 9, Immon teaches a method as claimed wherein said console (Fig. 7, 702) manages said one or more database servers (col. 7, lines 20-22) and said one or more operating systems (col. 7, lines 17-18) by changing metadata

(Fig. 7, 704; col. 3, lines 27-31), stored in a centralized repository (Fig. 7, 704) that resides on a device (Fig. 7, 703 and 704) connected to said wide area network, wherein said metadata includes data that reflects configuration parameters of said one or more database servers and said one or more operating systems, wherein changes made to said metadata in said centralized repository are propagated over said wide area network to devices on said local network (col. 4, lines 60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Immon.

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With respect to claim 5, Immon does not explicitly indicate the use of RAID as storage. Immon discloses an apparatus for management of metadata in a network of computers wherein various nodes of the network employ different types of database applications, database servers, database management applications and different networks. Immon specifically teaches an option of storing the metadata at a particular node of the network (Fig. 7, 704, "the system record"). The system records as disclosed by Immon are robust in the sense they encompass various database system information including the information regarding a wide variety of storage system types. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a RAID subsystem in Immon because Immon could easily update the metadata in element 704 of Fig. 7 without incurring much overhead and yet manage the newly added storage. The person of ordinary skill would be motivated to add a RAID subsystem make to enhance its versatility. See Immon, "Technical metadata", col. 57-61. The rationale is that a minimal change in centralized metadata would make the system robust and the person of ordinary skill would be motivated because there is no overhead and a minimal overhead to be incurred. See Immon, col. 2, lines 18-23. In fact, the change in metadata requires a minimal change to enterprise application or software.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6,003,039 issued to Barry

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosain T Alam whose telephone number is (703) 308-6662. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 3800.

The following contact numbers may also be used:

TC 2100 After Finals number is 703-746-7238

TC 2100 Official Fax number is 703-746-7239

TC 2100 Customer Service Center is 703-746-7240



Hosain T Alam
Primary Examiner
Art Unit 2172

October 31, 2002